

*This is our summary of some of the key legal developments across a range of sectors for the week of 7 June 2010. It is intended for reference purposes only and does not constitute definitive advice. Links to the original source materials are included where there are no restrictions in terms of access. References may also be made to sources that require separate registration or subscription. A link to a source does not necessarily imply endorsement of the source or the material provided through the link.*

*For further information on any of the matters discussed in the summary please contact our Professional Support Lawyer, [Sarah Kirkness](#). If you have any comments, queries or suggestions please contact us at [comments](#). All suggestions and comments are most welcome. If you do not wish to receive this summary you can contact us at [unsubscribe](#).*

## Speed Read

### General

Government Priorities for Media Sector Outlined

IPO Introduces Fast Track Green Channel for Environmentally Friendly Patents

Grounds for Termination of Agency - Whether Termination Lawful

ECJ Upholds Roaming Regulation Price Caps - Member States Can Protect Consumers from High Charges

ECJ Rules Member States Can Adopt Stricter National Laws than Unfair Contract Terms Directive Provides

Commission Welcomes Child Safety Progress by Mobile Phone Operators

### Broadcasting

Broadcast Bulletin - Latest Issue

CAT's Summary of Appeals in Pay TV Dispute Published

Article - Practical Guidance on Television Sponsorship

### Corporate

Administrators Sending Notice of Appointment and Statements by Email - Whether Electronic Communication Appropriate

### Film & TV

Report on Benefits to UK Economy from Film Industry

### Gaming & Betting

ECJ Rules on Provision of Online Gambling in EU - Member States Ability to Restrict Services

Swiss Federal Court Rules Poker is Game of Chance Not Skill

France's Online Gaming Regulatory Authority Issues First Licences

Application to Set Aside Debt Resulting From Spread Betting Losses - Whether Indemnity Covered Losses

### Litigation

ECHR Protocol Reforms Court Operations - Focus on Cases Raising Important Human Rights Issues

Grounds to Withhold Address Details of Accused - Application for Judicial Review of Decision

## Publishing

MEPs Written Declaration on Financial Support for Media Pluralism

Private Members Bill to Amend Defamation Laws

## Technology

ICANN Invites Comment on New Applicant Guidebook

## Consultations & Reports

### General

#### Government Priorities for Media Sector Outlined

In his first speech as the Secretary of State for Culture, Olympics, Media and Sport, Jeremy Hunt has outlined the Government's priorities for the media sector, focussing on two key areas – broadband speed and the need to roll out super-fast broadband (noting the UK ranks 33<sup>rd</sup> in the world for broadband speed and averages speeds that are up to five times slower than Korea) and the importance of “local media”. In acknowledging the role local media has to play, the Culture Secretary said the Government would be “accepting Ofcom’s recommendations on reforming local cross-media ownership rules – meaning that those rules will be significantly relaxed to allow local newspapers to own local commercial radio stations and set up local TV stations as well as benefit from greater economies of scale” and also asking Ofcom to consider whether all rules on cross ownership of media should be removed at the local level. In addition, the Government will also be considering what needs to be done in order to ensure that local media is economically viable. See [http://www.culture.gov.uk/news/ministers\\_speeches/7132.aspx](http://www.culture.gov.uk/news/ministers_speeches/7132.aspx) for details.

#### IPO Introduces Fast Track Green Channel for Environmentally Friendly Patents

The Intellectual Property Office (IPO) has announced that it has introduced new fast-track procedures for the registration of patents for environmentally friendly inventions. The “Green Channels” service allows applicants to request accelerated processing of their patent application if the invention has an “environmental benefit”. The service may be requested in relation to applications filed with the IPO prior to 12 May 2009 as well as in relation to those filed after this date. According to the IPO, the onus is on the applicant to establish the green credentials of the patent. See <http://www.ipo.gov.uk/p-green> for details.

#### Grounds for Termination of Agency - Whether Termination Lawful

The defendant company had engaged the claimant as one of its national agents for the sale of its products. In the course of introducing a change to its internal procedures, the claimant got into an argument with the defendant's MD and behaved in a manner which was “unacceptable – the claimant did apologise, which was described as being little more than a justification for his actions and his contract was terminated. The claimant brought an action for unlawful termination. At issue was whether the termination was lawful. The Mercantile Court dismissed the claim – it held that the conduct of the claimant in personally abusing the MD over the telephone and his avoidance of proffering an apology when given ample opportunity to do so was a course of conduct which was calculated, or at very least likely to destroy or seriously damage the relationship of trust and confidence between a principal and an agent. The court said the claimant was under an express duty to act towards the defendant conscientiously and in good faith and any serious breach of such a term entitled the defendant to terminate the agency with immediate effect. There was necessarily an implied reciprocal term that neither party would without reasonable and proper cause, conduct itself in a manner calculated or likely to destroy or seriously damage that relationship of confidence and trust. The conduct of the claimant was a course of conduct calculated, or at very least likely to destroy or seriously damage such a relationship of trust and confidence between principal and agent. (*Gledhill v Bentley Designes (UK) Ltd* [2010] All ER (D) 04 (Jun) – the digest of the case is available from LexisNexis).

#### ECJ Upholds Roaming Regulation Price Caps - Member States Can Protect Consumers from High Charges

The European Commission has welcomed the ECJ ruling in Case C-58/08 *Vodafone & Ors v Secretary of State for Business, Enterprise and Regulatory Reform*, which confirms the legal validity of the Roaming Regulation 717/2007. The ECJ confirmed that the Regulation, which sets price caps on the costs of using a mobile phone while in another EU Member State, has a correct legal basis, is proportionate to the objective of protecting consumers against high charges and is justified on grounds of subsidiarity. The Commission said the ECJ's ruling was significant “because it

confirms the Commission's view that legislation of this type was necessary and that the EU was entitled to impose limits on the prices charged by mobile operators for roaming calls in the interest of the EU's Single Market". It also said "Since the adoption of the Roaming Regulation in June 2007, prices for mobile phone calls abroad have fallen by up to 70% compared to the prices in 2005, the cost of sending a text message while abroad has been reduced by 60% on average and transparency has been increased". The ruling was made following the referral by the UK High Court of a number of questions concerning the Regulation's legal validity under Article 234 of the EC Treaty - the High Court sought a preliminary ruling after the measures were challenged by four of the UK's leading mobile service providers. The High Court will now make a ruling taking into account the preliminary ruling of the court. (EC Press Release Memo/10/242, 8 June 2010 - see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008J0058:EN:NOT> for the judgment).

#### ECJ Rules Member States Can Adopt Stricter National Laws than Unfair Contract Terms Directive Provides

The ECJ has ruled, in Case C-484/08 *Caja de Ahorros y Monte de Piedad de Madrid v Asociación de Usuarios de Servicios Bancarios* in the context of proceedings between a Spanish bank and a Spanish banking services users association, that Member States are able to adopt or retain national laws on the fairness of contract terms that are stricter than the rules laid down by the Directive on unfair terms in consumer contracts (93/13/EEC). The Directive is a minimum harmonisation directive and Member States have the ability to retain or adopt rules that are designed to provide consumers with a higher level of protection than that provided for by the Directive. In this case, although the Directive exempts terms defining the main subject matter of the contract and the price (essential terms of the contract) from the fairness test set out in the Directive, Spain had adopted legislation making these terms subject to the fairness test, and the Spanish courts could therefore assess the fairness of such terms. PLC made the comment that the case was interesting "because it shows that the UK is not prevented from adopting rules making the essential terms of contracts subject to the fairness test".

#### Commission Welcomes Child Safety Progress by Mobile Phone Operators

The European Commission's Vice-President for the Digital Agenda has welcomed the progress which has been made by mobile phone operators on keeping children safe while using mobile phones, but has also urged operators to raise parents' awareness about the new risks children face when using smart phones such as easier access to adult content on the internet. A report just published by the GSM Association shows that 91 companies are putting in place at national level the measures agreed in the Europe-wide voluntary agreement "European Framework on Safer Mobile Use by Younger Teenagers and Children", which was brokered by the European Commission in 2007 - national self-regulatory codes based on this Framework now exist in 25 Member States and the Commission said this meant that 96% of all EU mobile subscribers are benefitting from this agreement. The Framework identified four key areas for action - restricting access to adult content; classifying commercial content according to national standards of decency and appropriateness; producing educational material and running awareness campaigns; and reducing illegal content on mobile networks. (EC Press Release IP/10/704, 9 June 2010 - see also [http://www.gsmeurope.org/documents/GSMA\\_Exec\\_Summary\\_P011.pdf](http://www.gsmeurope.org/documents/GSMA_Exec_Summary_P011.pdf) for the GSM Association Report).

### Broadcasting

#### Broadcast Bulletin - Latest Issue

The latest edition of Ofcom's Broadcast Bulletin has been published, with details of adjudications on breaches of Rules 1.3 (children must be protected by appropriate scheduling), 2.1 (generally accepted standards), 2.3 (offensive material must be justified by context), 9.1 (no sponsorship of news of current affairs), 9.3 (sponsorship on radio and television must comply with both the advertising content and scheduling rules that apply to that medium), 9.5 (no promotional references to programme sponsor in programme) and 10.2 (advertising and programming elements of service must be kept separate) of the Broadcasting Code. In addition, Ofcom also recorded a breach of Section 2 (General Rules) Rule 4.1 (Superlative claims) of the BCAP Radio Advertising Standards Code (BCAP Code), which states that particular care is needed so that superlative claims do not mislead, Rule 5.1.1 of the TV Advertising Standards Code, which states that no [self promotion] may directly or by implication mislead about any material fact or characteristic of a product or service and Licence Condition 11 (retention and production of recordings). See [http://www.ofcom.org.uk/tv/obb/prog\\_cb/obb159/Issue159.pdf](http://www.ofcom.org.uk/tv/obb/prog_cb/obb159/Issue159.pdf) for details.

## CAT's Summary of Appeals in Pay TV Dispute Published

The Competition Appeal Tribunal (CAT) has published four summaries of appeals against Ofcom's decision in its investigation into the pay TV market. Ofcom had announced that it had decided to use its powers under section 316 of the Communications Act 2003 to require BSkyB to offer Sky Sports 1 and Sky Sports 2 (and the HD versions of the channels) on a wholesale basis to retailers on other platforms at wholesale prices set by Ofcom. Sky's licences for the channels were varied to give effect to these requirements under section 3(4)(b) of the Broadcasting Act 1990 (which relates to the powers of Ofcom to vary a licence). The appeals were brought by BSkyB, The Premier League, Virgin Media and BT on a range of grounds - see [http://www.catribunal.org.uk/files/1158\\_BSkyB\\_Notice\\_080610.pdf](http://www.catribunal.org.uk/files/1158_BSkyB_Notice_080610.pdf); [http://www.catribunal.org.uk/files/1157\\_FAPL\\_Notice\\_080610.pdf](http://www.catribunal.org.uk/files/1157_FAPL_Notice_080610.pdf); [http://www.catribunal.org.uk/files/1156\\_Virgin\\_Notice\\_080610.pdf](http://www.catribunal.org.uk/files/1156_Virgin_Notice_080610.pdf); and [http://www.catribunal.org.uk/files/1.1159\\_BT\\_Notice\\_080610.pdf](http://www.catribunal.org.uk/files/1.1159_BT_Notice_080610.pdf) for the respective notices. The CAT has also published orders in the appeals abridging the time for requesting permission to intervene.

## Article - Practical Guidance on Television Sponsorship

The latest Entertainment Law Review has an interesting article looking at the issue of how broadcasters can comply with Ofcom's strict policy on credits for the sponsors of television programmes, while still offering sponsors an attractive commercial opportunity. It looks at the distinction between sponsorship credits and advertising messages and provides examples of sponsorship campaigns that Ofcom disapproved of because the credits were too similar to advertisements. ("*Television Sponsorship - An Advertising Opportunity or a Pitfall for the Unwary?*" (2010) *Ent LR*, Vol 21, No 5, 179 - this article is available via Westlaw).

## Corporate

### Administrators Sending Notice of Appointment and Statements by Email - Whether Electronic Communication Appropriate

The applicant administrators had been appointed in respect of two companies which were involved in providing educational services to students. The applicants wanted to send email notices of their appointment and statements of their proposals to the relevant student creditors pursuant to paragraph 46(3) of Schedule B1 to the Insolvency Act 1986 and the issue for the court was whether an electronic form of communication could be used to give notice and to send the statements. The applicants argued that the words in paragraph 46(3) were quite general and that all that needed to be done was that a notice of appointment be sent and that it was as much sent by e-mail as it would be by post - this argument required the court to consider *Re Sporting Options plc* [2004] All ER (D) 30 (Dec) on the sending of notices to creditors' e-mail addresses. The court noted that in respect of the requirement pursuant to paragraph 46(3) to send notices of the applicants' appointments, in this case, that provision had been complied with. The court said the judge in *Re Sporting Options* had not been laying down a general rule excluding the sending of notices by email in an appropriate case. In respect of the requirement pursuant to paragraph 49(4)(b) of Schedule B1 to the Act that the administrators should send statements of their proposals to "very creditor of the company of whose claim and address he is aware", at first sight, that suggested that the means of communication would be by post, though it did not expressly say so. For the reasons given in relation to the requirement in paragraph 46, the court said that sending the email was, in this case, sufficient. (*Gould & Anor v Itmo Advent Computer Training Ltd & Anor* [2010] All ER (D) 53 (Jun) - a digest of the case is available from LexisNexis).

## Film & TV

### Report on Benefits to UK Economy from Film Industry

Oxford Economics have published the third edition of their report on the economic impact of the UK film industry - the report was commissioned by the UK Film Council and a number of other interested parties. In the lengthy and detailed report, the current concerns of the industry are addressed and the question of film tax relief, which is also considered in the report, has been the subject of particular industry comment - The Council said "The report also concludes that the UK's film tax relief is vital to sustaining current levels of global competitiveness and job creation". The report considers in detail the impact of the UK Film Tax Relief Scheme and notes "the value of the film industry to the UK culturally and economically was recognised by the government when it reviewed the Film Tax Relief in 2006, and subsequently by the House of Lords Select Committee on Communications when it reviewed the UK film and television industries in 2010. The initial government review led to the replacement of the previous tax relief for film (Section 42 and Section 48), while the recent House of Lords report suggests that the new system

has been successful in attracting big-budget films, but recommends adjustments to provide more support to smaller budget films". It said "Without the film tax credit, we estimate that the core UK film industry would be around 75% smaller, at a cost of around £1.4 billion of lost GDP a year and about £400 million lower Exchequer revenues". The report also provides statistics and case studies to show the benefits of the film industry to the UK. It notes the industry contributes more than £4.5 billion a year to the nation's gross domestic product and £1.2 billion to the exchequer and is also important in terms of jobs, directly employing around 36,000 people - a rise of about 30% over 10 years - with the same number being supported indirectly. See [http://www.ukfilmcouncil.org.uk/media/pdf/j/i/The\\_Economic\\_Impact\\_of\\_the\\_UK\\_Film\\_Industry\\_-\\_June\\_2010.pdf](http://www.ukfilmcouncil.org.uk/media/pdf/j/i/The_Economic_Impact_of_the_UK_Film_Industry_-_June_2010.pdf) for the Report.

## Gaming & Betting

### ECJ Rules on Provision of Online Gambling in EU - Member States Ability to Restrict Services

The ECJ has issued two significant rulings on the provision of online gambling in the EU in Cases C-203/08 *Sporting Exchange v Minister van Justitie* (Betfair) and C-258/08 *Ladbrokes Betting & Gaming and Ladbrokes International v Stichting de Nationale Sporttotalisator*. The Hoge Raad der Nederlanden (Netherlands Supreme Court) and the Raad van State (Netherlands Council of State) had asked the ECJ about the compatibility of Netherlands legislation on gaming policy with European Union law. The Ladbrokes companies offered a number of mainly sports-related games of chance on their internet site but did not physically carry on any activity in the Netherlands. De Lotto alleged that the Ladbrokes companies were, without a licence, offering games of chance on the internet to persons residing in the Netherlands, and made an application to the national court. In the Ladbrokes case, according to the ECJ, it was common ground that legislation such as the legislation at issue here constituted a restriction on the freedom to provide services. However, the court said "such a restriction may be justified, in particular, by the objectives of consumer protection and the prevention of both fraud and incitement to squander money on gambling, as well as the need to preserve public order. It is for the national courts to determine whether Member States' legislation actually serves those objectives and whether the restrictions it imposes do not appear disproportionate in the light of those objectives". It was for the referring court to determine whether the national legislation may be regarded as forming part of a policy of controlled expansion, aiming, in fact, to channel the propensity to gamble into activities that are lawful. The ECJ noted that the internet gaming industry has not been the subject of harmonisation within the European Union. A Member State was therefore entitled to take the view that the mere fact that an operator such as the Ladbrokes companies lawfully offers services in that sector via the internet in another Member State is not a sufficient assurance that national consumers will be protected. In the Betfair case, following the same reasoning as in Case C-258/08 (Ladbrokes), the ECJ observed that, in the light of the specific features associated with the provision of games of chance via the internet, the restriction on the freedom to provide services may be regarded as justified by the objective of combating fraud and crime. Further, the ECJ noted Member States have sufficient discretion to determine the level of protection sought in relation to games of chance. However, if a prior administrative authorisation scheme is to be justified, it must be based on objective, non-discriminatory criteria known in advance, in such a way as to circumscribe the exercise of the authorities' discretion so that it is not used arbitrarily. See <http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-06/cp100050en.pdf> for the ECJ Press Release about the rulings and also <http://commercial.practicallaw.com/0-502-4977?email=1247370692609&source=updateemail> for the PLC commentary on the decisions.

### Swiss Federal Court Rules Poker is Game of Chance Not Skill

Switzerland's Federal Court has ruled that Texas Hold'em poker tournaments can no longer be called a game of skill and subsequently cannot be played outside of state-approved casinos unless they are played between friends and family. Since 2007 Switzerland's Gaming Commission (ESBK) has stated that under certain conditions, Texas Hold'em poker tournaments were to be considered as a game of skill, allowing for the organisation of tournaments outside of licensed casinos, subject to cantonal law. This view was initially supported by the Federal Court in a test case in June 2009, however the court has now overturned the ruling following an appeal by the Swiss casino industry. The court said that the ESBK is authorised to examine if a certain game can be qualified as a game of chance or skill, but that in this case the research was not suitable to determine if the element of skill outweighed the element of chance. The court said that luck played a bigger part in Texas Hold'em poker than mathematics, tactics or psychology. The court also took the view that classifying poker as a game of skill would lead to an uncontrolled opening of the market and an increase in the number of poker tournaments taking place outside the country's federal legislative framework, which in turn would lead to increased risks of organised crime, money laundering and damaging effects on society. The judgment of the court is available only in German.

## France's Online Gaming Regulatory Authority Issues First Licences

France's regulatory authority ARJEL has issued 17 online gaming licences to 11 different operators including FDJ, PMU, bwin, BetClic and Everest Gaming. According to reports, sports betting will be the first online gambling to be offered and it covers 15 disciplines including football, rugby, basketball, motor sports, golf and horse racing. Poker, the only online casino game which is authorised by the new law, will not be authorised to be offered until the end of the month, even if some of the licenses granted approve this activity.

## Application to Set Aside Debt Resulting From Spread Betting Losses - Whether Indemnity Covered Losses

An appeal has been brought before the High Court to set aside a statutory demand in bankruptcy which had been served upon the appellant by the respondent in respect of a debt which represented the losses from on-line spread betting losses - the respondent alleged that he had made the bets pursuant to an agreement with the appellant which provided that the appellant had agreed to indemnify him for any losses and that any profits would be accounted for. The appellant contended that there was a dispute on two substantial grounds - that a number of the bets were not covered by the indemnity and that the respondent owed the applicant a duty of care, which he breached by gambling in the way that he did. The court noted the test was whether the debt claimed in the statutory demand was disputed on grounds that were substantial. Under CPR 52.11(1) and 52.11(3)(a), the test the appellate court had to apply was "whether the decision of the lower court was wrong", not that the judge "took into account immaterial factors, omitted to take into account material factors, erred in principle or came to a decision that was impermissible or plainly wrong". In the circumstances, the appellant could not show any substantial ground for disputing that he was indebted to the respondent in the amount claimed in the statutory demand, and the statutory demand would not be set aside. The Gambling Act 2005 had repealed the prohibition on the enforcement of gaming contracts and the law adopted a morally neutral approach to gambling, whilst at the same time introducing a licensing regime to promote socially responsible gambling - in this instance, the parties were both gamblers and the fact that subject matter of their enterprise was gambling did not necessarily mean that no duty of care could conceivably have arisen however, there was no evidence produced on which it could have been said that any such duty of care had been breached. Accordingly, the court dismissed the application to set aside the statutory demand in bankruptcy for the losses. (*Feldman v Nissim* [2010] All ER (D) 55 (Jun) - the judgment is available via LexisNexis).

## Litigation

### ECHR Protocol Reforms Court Operations - Focus on Cases Raising Important Human Rights Issues

Protocol No 14 to the European Convention on Human Rights entered into force on 1 June 2010. The Protocol, which was adopted in May 2004, makes a number of changes to the operation of the Court and has as its stated aim the objective of improving the efficiency of the Court and reducing its workload so that ultimately, the Court can "concentrate on those cases that raise important human rights issues". The Protocol introduces changes in three main areas - it reinforces the Court's filtering capacity to deal with clearly inadmissible applications; it introduces a new admissibility criterion concerning cases in which the applicant has not suffered a significant disadvantage; and it introduces measures to deal more efficiently with repetitive cases. On the issue of admissibility, the Protocol empowers the Court to declare inadmissible "applications where the applicant has not suffered a significant disadvantage and which, in terms of respect for human rights, do not require an examination of the merits by the Court or do not raise serious questions affecting the application or the interpretation of the Convention or important questions concerning national law". See <http://www.echr.coe.int/NR/rdonlyres/57211BCC-C88A-43C6-B540-AF0642E81D2C/0/CPProtocole14EN.pdf> for details. The new admissions requirement does not apply to those applications which had previously been declared to be admissible prior to the Protocol coming into effect and over the next two years, the criteria can only be applied by the Chambers and Grand Chamber.

### Grounds to Withhold Address Details of Accused - Application for Judicial Review of Decision

The Administrative Court has refused an application for judicial review by two senior police officers - the officers had been charged with misconduct in a public office and had made an application to have their addresses withheld on the grounds that their positions put them and their families in danger. The press opposed the application and the Magistrates Court refused to grant it. The police officers made an emergency application to the High Court for a temporary injunction pending the determination of the application for judicial review. The Administrative Court noted, "the point at issue, that is whether the addresses should be disclosed, is left with only limited practical importance. The claimants submit that because of other information available about them, there is no damage to the administration of justice if their addresses are withheld. The Press Association and CPS submit that because of the other information available, and the ease with which the addresses could be discovered, there is nothing to be

gained by withholding the addresses". The court reiterated what was said in *R v Trinity Mirror Plc & Ors* [2008] EWCA Crim 50 - that it was "impossible to over-emphasise the importance to be attached to the ability of the media to report criminal trials. In simple terms this represents the embodiment of the principle of open justice in a free country. An important aspect of the public interest in the administration of criminal justice is that the identity of those convicted and sentenced for criminal offences should not be concealed". In the circumstances, the court refused the application and dismissed the injunction. (*R v Harper* [2010] EWHC 1319 (Admin) - see <http://www.bailii.org/ew/cases/EWHC/Admin/2010/1319.html> for the judgment).

## Publishing

### MEPs Written Declaration on Financial Support for Media Pluralism

A group of cross-party MEPs have called on national governments and the European Commission to do more to protect media pluralism and press freedom in Europe - the MEPs warned, "Media pluralism, as a prerequisite for European democracy, is not necessarily ensured by competition and technological progress, and the media sector is facing an historical crisis". The MEPs called on Member States to "support independent journalism free of any political and commercial interference at national level". See [http://www.jeanmariecavada.eu/users\\_files/news/file/FILE\\_d\\_claration\\_crite\\_pdf.PDF](http://www.jeanmariecavada.eu/users_files/news/file/FILE_d%20claration_crite_pdf.PDF) for the MEPs written declaration on the financing the media sector - ensuring the right of information and freedom of expression.

### Private Members Bill to Amend Defamation Laws

The announcement of a Private Members Bill to amend defamation laws was discussed in a recent Need to Know - at the time of writing however the Bill had not been published. The text of the Bill as introduced is now available - see <http://www.publications.parliament.uk/pa/ld201011/ldbills/003/2011003.pdf> for details. The Bill proposes changes to defences available to "responsible publications" on matters of public interest, honest opinion and establishing a defence of truth, statutory privilege, responsibility for publication and multiple publications and the ability to strike out a claim where the claimant has suffered no substantial harm, amongst other things. Its progress through Parliament will be monitored ...

## Technology

### ICANN Invites Comment on New Applicant Guidebook

The Internet Corporation for Assigned Names and Numbers (ICANN) has published for comment a revised draft Applicant Guidebook, which provides information for applicants who wish to apply for new generic top-level domain names (gTLDs), following the publication of earlier drafts in October 2008 and February 2009. Proposed changes include revisions to the requirements for internationalised domain names, amendments to the procedure for resolving contested strings and a new budget for the gTLD programme. See <http://www.icann.org/en/topics/new-gtlds/explanatory-memoranda-4-en.htm> for the ICANN documents.

## Consultations & Reports

Ofcom Regulatory Statement - Participation TV: Regulatory Statement - Rules on the Promotion of Premium Rate Services - <http://www.ofcom.org.uk/consult/condocs/participationtv3/statement/statement.pdf> (Ofcom's Regulatory Statement on its third consultation on participation TV, published in November 2009, outlines its proposals for changes to the manner in which Premium Rate Services can be promoted and the consequential amendments to the associated Codes which will be required to give effect to the changes).

Ofcom Research Report - Audience Attitudes to Offensive Language on Radio and Television - [http://www.ofcom.org.uk/research/tv/reports/offensive\\_lang.pdf](http://www.ofcom.org.uk/research/tv/reports/offensive_lang.pdf) (Ofcom commissioned this independent report on current attitudes to offensive language on radio and television - the research looks at the importance of context, and what factors audiences take into account when considering whether language is appropriate and is part of Ofcom's on-going research programme, which ensures its decision remain up-to-date).

Ofcom Statement - Television Access Services Review - [http://www.ofcom.org.uk/consult/condocs/access\\_services/statement/review.pdf](http://www.ofcom.org.uk/consult/condocs/access_services/statement/review.pdf) (the Statement summarises the outcome of a review of television access services (subtitling, signing and audio description) that Ofcom consulted on in September 2009 - Ofcom concluded that the case for and against change to the targets was finely balanced, and has forwarded its findings to the Secretary of State for consideration).

BIS Consultation - Registration of Charges Created by Companies and LLPs - Proposals to Amend the Current Scheme and Relating to Specialist Registers - <http://www.bis.gov.uk/assets/biscore/business-law/docs/10-697-registration-of-charges-created-by-companies-proposals.pdf> (the BIS Consultation on proposals to amend the current Companies Act 2006 registration scheme (see Part 25) invites comments on changes such as which charges must be registered (ie, all charges, subject to certain exemptions); how charges may be registered including the introduction of electronic registration at Companies House; the consequences of registering or not registering a registrable charge; dispensing with the need for a company to keep its own separate register; reducing or even eliminating the current 21 day time limit for registration; whether charges registered in other specialist registers might be treated as if registered at Companies House (eg registration at the Land Registry); and the application of registration requirements to overseas companies).